



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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MAY - 4 2015

Ref: 8EPR-N

Glenn P. Casamassa, Forest Supervisor
Arapaho and Roosevelt National Forests and
Pawnee National Grassland
Attn: K. Reid Armstrong
Boulder Ranger District
2140 Yarmouth Avenue
Boulder, Colorado 80301

Re: Final Environmental Impact Statement for the Eldora Mountain Resort Ski Area Projects;
CEQ #20150077

Dear Mr. Casamassa:

The U.S. Environmental Protection Agency Region 8 has reviewed the Final Environmental Impact Statement (EIS) for the proposed Eldora Mountain Resort (EMR) Ski Area Projects prepared by the U.S. Department of Agriculture Forest Service (USFS) Arapaho and Roosevelt National Forests and Pawnee National Grassland (ARP), Boulder Ranger District. The Final EIS analyzes and discloses the potential environmental effects of implementing proposed projects that are included in the 2011 EMR Master Plan. Our review was conducted in accordance with the EPA's responsibilities under section 102 of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act.

Project Description and Background

EMR is located in Boulder and Gilpin Counties in Colorado, near the town of Nederland, approximately 20 miles west of the city of Boulder and 45 miles northwest of Denver. EMR currently operates eight chairlifts and three surface lifts to provide access to its network of 49 ski trails totaling approximately 184 acres of developed trails and 152 acres of tree and gladed skiing areas.

EMR's proposal identifies two overall project purposes, which are to improve guest experience and skier safety as well as address forest health and vegetation management, and seven associated primary needs to be addressed in the Draft EIS analysis. These needs include:

- Improve the reliability of chairlift and terrain offerings;
- Address skier safety concerns during prevalent wind events;
- Provide additional intermediate to expert ability level terrain and a new, more natural terrain experience;
- Provide new and upgraded chairlift infrastructure to improve the quality of the alpine ski experience;
- Expand and improve on-mountain guest services;
- Maintain vegetation to improve forest health within the EMR boundaries in a manner that continues to be compatible with historic and future ski area uses; and
- Reduce the spread of noxious weeds.

The Final EIS analyzes three alternatives, which include the No Action Alternative (Alternative 1) and two action alternatives. The Proposed Action (Alternative 2) includes fifteen new ski trails totaling approximately 58 acres; approximately 57 additional acres of new tree and gladed skiing areas; modifications to 43 acres of existing tree and gladed skiing areas; installation of two new chairlifts (Placer Express and Jolly Jug) and replacement of three existing lifts with two upgraded lifts; the expansion of snowmaking coverage to an additional 58 acres; construction of a new on-mountain guest facility and renovation of an existing lookout facility; and construction of additional parking on private lands. Management prescriptions from EMR's 2013 Vegetation Management Plan would be applied to the special use permit (SUP) area and adjacent private lands. The Proposed Action would require a Forest Plan amendment because it adjusts EMR's northern and southern SUP boundaries with a total increase of approximately 86 acres.

Alternative 3 includes several of the same components as Alternative 2, but differs in terrain and chairlift projects, and would require a different Forest Plan Amendment. Alternative 3 does not include the Placer Express chairlift and terrain projects and the associated SUP boundary adjustment to Middle Boulder Creek at the north side of EMR. This alternative includes 10 new ski trails encompassing approximately 52 acres, approximately 63 acres of new tree and gladed skiing areas, and modifications to 135 acres of existing tree and gladed skiing areas. There would only be one new chairlift (Jolly Jug), differing in design from Alternative 2 in regard to slope length and vertical rise. The proposed snowmaking will result in approximately 52 acres of additional coverage. Finally, EMR's SUP boundary will be increased by approximately 18 acres on the southern side of the ski area, which would also require a Forest Plan amendment.

We note that the Final EIS does not identify a Preferred Alternative; however, the March 2015 Draft Record of Decision (ROD) approves components from both Alternative 2 and Alternative 3, which includes amendments to the Forest Plan and 2011 Master Plan. The proposal involves the addition of approximately 66 acres of ski trails, the creation of approximately 77 acres of tree and gladed skiing areas and modifications to approximately 42 acres of existing tree and gladed skiing across six areas located on NFS lands.

Comments

Water Quality

We appreciate the updated information regarding the revised Water Quality Control Commission regulation on wastewater systems (Regulation 43) included in the Final EIS. We also note that the USFS has included a requirement to implement a water quality monitoring program, which includes baseline water quality data collection, to identify concerns regarding levels of cadmium and copper that are currently listed under the Monitoring and Evaluation list for the mainstem of Middle Boulder Creek. Appendix D states that the ARP will determine appropriate mitigation and response measures, although no specific mitigation is proposed as part of the Project Design Criteria/Best Management Practices in the Final EIS.

The EPA recommends, to the extent possible, that these additional potential measures be detailed in the Final ROD, Appendix A, especially those measures for use during the construction period. We

understand that the USFS has utilized the annual review of the Operating Plan for various projects as a tool to identify concerns. We recommend that certain criteria be evaluated as part of the Operating Plan for the EMR Ski Area Projects annual review that would allow for changes in operations if long-term water quality monitoring does not indicate progress toward the desired conditions of stream health. Such criteria may include specific thresholds with identified indicators for the impacted resource as well as targets that specify a desired future condition.

Clean Water Act Waters of the U.S. including Wetlands

The EPA's comments on the Draft EIS requested the USFS to consider avoidance, minimization and compensation of wetland impacts through the planning process as directed by E.O. 11990. We suggested that mitigation for forested wetland overstory removal may include riparian vegetation plantings of similar species and similar numbers along Middle Boulder Creek or its tributaries within the upper basin. The response to comments in appendix D states that the proposed ski trail under Alternative 2 was realigned in the planning process to minimize the amount of overstory vegetation removal that would occur in the delineated wetland boundary and that no direct impacts to wetlands would occur. Removal of wetland forest overstory has been limited to less than 1.14 acres associated with the ski trail egress to the new Placer lift. Although overstory impacts have been minimized, the Final EIS does not propose compensatory mitigation for the remaining impacts. The Final EIS bases this decision on the assumption that willow species will replace the forested wetland community; as noted below, this may not be a valid assumption upon project implementation. If a CWA Section 404 permit is required for discharges associated with this project, mitigation for both direct and indirect impacts to aquatic resources, including riparian and wetland forest impacts, will likely be needed to support a finding of no significant impact (FONSI) under the Corps' NEPA regulations.

Additionally, the terrain in this area of the Placer Lift egress trail is undulating and we have concerns that the trail may have to be graded and regularly groomed to provide safe skier egress and to maintain required carrying speeds. It seems likely that regular winter time grooming of these areas will likely prohibit willow communities from repopulating. Grading in wetlands adjacent to Middle Boulder Creek will be considered a discharge under the CWA and can adversely affect wetland hydrology and wetland extent and function. These potential direct and indirect adverse impacts have not yet been evaluated due to the preliminary design of the ski expansion, and the USFS has not considered potential mitigation in its decision. If during project implementation, the USFS identifies that grading or permanent vegetation changes will be necessary, we recommend that the USFS evaluate and mitigate these adverse impacts prior to a Clean Water Act Section 404 permit application.

General Conformity

As we noted in our April 14, 2014 comments on the EMR Ski Area Projects Draft EIS, general conformity would apply to the proposed EMR expansion on USFS lands because the area lies within the Metro-Denver/North Front Range (NFR) 8-hour ozone nonattainment area and the Metro-Denver PM₁₀ maintenance area. Although we recommended that consideration be given to addressing general conformity at the time of the Final EIS, we noted that a general conformity analysis or conformity determination (as appropriate) are not required to be completed concurrent with the NEPA process for this project.

Based on the response to comments in Appendix D of the Final EIS, the USFS indicates that general conformity will not be addressed as part of the NEPA process. The EPA would therefore recommend that consideration be given by USFS to address the Clean Air Act general conformity requirements at the time of the final ROD. If not performed at the time of the final ROD, we note that general conformity must be addressed before the USFS could issue a permit to allow the EMR Ski Area Project's new construction to proceed. Please note that we have assisted other federal agencies in understanding the aspects of our General Conformity Rule (40 CFR 93, Subpart B), and we are available to discuss general conformity issues and appropriate means to address the requirements with the USFS.

Other Considerations

Previously in our Draft EIS comments, we recommended that the USFS expand upon the discussion of EMR's proposal to improve its snowmaking practices from an efficiency standpoint (Draft EIS, p. 3-304) to further support the statement that the average snowmaking water usage would not increase under the Proposed Action. We recommended that additional details, such as timing of implementation and operational design, be included in the Final EIS to address any concerns related to water quality (e.g., impacts to streams, soils, vegetation or wetlands on or below the ski area) or quantity (e.g., timing and magnitude of withdrawals that may impact critical instream flows, aquatic habitat, etc.) associated with additional snowmaking operations and/or increased withdrawals.

Please note that although the USFS has stated that EMR will not exceed its maximum water right, this does not address our concerns noted above as the Final EIS is unclear on the details of how the current operational design will differ under the proposed project or the recommended decision identified in the Draft ROD (e.g., currently EMR may not fully utilize its water right). In the absence of this information, we recommend at a minimum that potential impacts be evaluated as part of the Operating Plan for the EMR Ski Area Projects annual review that would allow for changes in operations to ensure practices are not negatively impacting water quality and/or quantity, especially if the timing/duration of withdrawals change.

Closing

We appreciate the opportunity to review the Final EIS. Thank you for considering our previous input. If you have any questions during this stage of your planning process, please contact Melanie Wasco of my staff at (303) 312-6540. Alternatively, I can be reached at (303) 312-6704.

Sincerely,



Philip S. Strobel
Acting Director
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation